

1 THE HONORABLE JAMES L. ROBART  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE  
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11 NORTHWEST ADMINISTRATORS,  
12 INC.,  
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15 Plaintiff,  
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v.  
PEPSI-COLA SALES AND  
DISTRIBUTION, INC., a Delaware  
corporation,  
Defendant.

NO. C21-00078-JLR

STIPULATION AND ORDER FOR  
DISMISSAL WITH PREJUDICE

THE PARTIES above named, through their attorneys Russell J. Reid of Reid, McCarthy, Ballew & Leahy, L.L.P., attorneys for Plaintiff, and Molly Gabel of Seyfarth Shaw LLP, attorneys for Defendant, Pepsi-Cola Sales and Distribution, Inc., hereby stipulate that the above-referenced action should be dismissed, with prejudice, and with each party bearing its own attorneys' fees and costs. This Stipulation shall not foreclose Plaintiff or the Trust, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorney's fees for the time period encompassed by this action, April 2019 through July 2019, if a future audit or some other source reveals that Defendant owes the Plaintiff additional

STIPULATION AND ORDER FOR DISMISSAL  
WITH PREJUDICE – C21-00078-JLR  
Page 1 of 3

Reid, McCarthy, Ballew & Leahy, L.L.P.  
ATTORNEYS AT LAW  
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TELEPHONE: (206) 285-0464 • FAX: (206) 285-8925

1 amounts for said period, or from collecting contributions, liquidated damages, interest,  
2 attorney's fees and costs for any period other than April 2019 through July 2019.

3 DATED this 21<sup>st</sup> day of April, 2021.  
4

5 REID, McCARTHY, BALLEW & LEAHY.  
6 L.L.P.

SEYFARTH SHAW LLP

7 s/Russell J. Reid  
8 Russell J. Reid, WSBA #2560  
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10 Telephone: (206) 285-0464  
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11 s/Molly Gabel  
12 Molly Gabel, WSBA #47023  
13 999 Third Avenue, Ste 4700  
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14 Attorney for Plaintiff

15 Attorney for Defendant

#### 16 ORDER OF DISMISSAL

17 Based on the foregoing Stipulation of Plaintiff and Defendant,

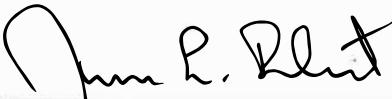
18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action shall  
19 be and is hereby dismissed with prejudice and that each party shall bear its own  
20 attorneys' fees and costs of suit. This Order shall not foreclose Plaintiff or the Trust,  
21 based on res judicata principles or other legal principles, from collecting additional  
22 contributions, liquidated damages, interest and attorneys fees for the time period  
23 encompassed by this action, April 2019 through July 2019, if a future audit or some  
24 other source reveals that Defendant owes the Plaintiff additional amounts for said  
25 period, or from collecting contributions, liquidated damages, interest, attorney's fees  
and costs for any period other than April 2019 through July 2019.

26 STIPULATION AND ORDER FOR DISMISSAL  
WITH PREJUDICE – C21-00078-JLR  
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1  
2 ORDER ENTERED this 27th day of April, 2021.

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UNITED STATES DISTRICT COURT JUDGE

Submitted for Entry:

REID, McCARTHY, BALLEW & LEAHY,  
L.L.P.

By s/Russell J. Reid

Russell J. Reid, WSBA #2560  
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Attorney for Plaintiff

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